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[Additional counsel appear on signature page.]

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

FRANCIS FLEMING, Individually and on )  
Behalf of All Others Similarly Situated, )  
Plaintiff, )

vs. )

THE CHARLES SCHWAB CORPORATION, )  
et al., )  
Defendants. )

Case No. 3:15-cv-02945-RS

CLASS ACTION

STIPULATION AND ~~PROPOSED~~ ORDER  
DISMISSING DEFENDANT CHARLES R.  
SCHWAB WITHOUT PREJUDICE

1 WHEREAS, on June 24, 2015, Plaintiff Francis Fleming filed a class action Complaint for  
2 Breach of Contract, Violation of Cal. Bus. & Prof. Code §17200, *et seq.*, Intentional  
3 Misrepresentation and Omission, Negligent Misrepresentation and Omission and Aiding and  
4 Abetting (the “Complaint”);

5 WHEREAS, the Complaint asserts claims against The Charles Schwab Corporation, Charles  
6 Schwab & Co., Inc., Charles R. Schwab, Walter W. Bettinger II and UBS Securities LLC  
7 (collectively, “Defendants”) arising out of the Company’s promise to provide its clients with “best  
8 execution” and its practice of routing the majority of its clients’ orders to UBS;

9 WHEREAS, on August 21, 2015, Defendants filed motions to dismiss the Complaint  
10 pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure;

11 WHEREAS, on September 25, 2015, Plaintiff filed a Consolidated Opposition to  
12 Defendants’ Motions to Dismiss;

13 WHEREAS, the parties have conferred regarding dismissing defendant Charles R. Schwab  
14 from the Complaint and have agreed that he should be voluntarily dismissed without prejudice;

15 WHEREAS, the parties also agree that each party will bear its own costs;

16 WHEREAS, the parties agree that notice to the putative class is not required because  
17 Defendants have not answered the Complaint, Defendants’ motions to dismiss are pending and this  
18 action has not yet been certified as a class action;

19 NOW THEREFORE, it is hereby stipulated and agreed by the parties to this Stipulation only,  
20 by and through their undersigned counsel, as follows:

- 21 1. Charles R. Schwab shall be voluntarily dismissed without prejudice;
  - 22 2. The parties shall each bear their own costs and expenses and thereby waive their  
23 rights, if any, to seek costs or expenses from each other in connection with the above captioned  
24 action; and
  - 25 3. Notice to the putative class is not required.
- 26  
27  
28

1 DATED: October 19, 2015

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19 Attorneys for Plaintiff

20  
21 DATED: October 19, 2015

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Attorneys for Defendants The Charles Schwab  
Corporation, Charles Schwab & Co., Inc.,  
Charles R. Schwab, and Walter W. Bettinger II

\* \* \*

**ORDER**

IT IS SO ORDERED.

DATED: 10/19/15



THE HONORABLE RICHARD SEEBORG  
UNITED STATES DISTRICT JUDGE